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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,285

02/20/2004

John D. Hatlestad

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EXAMINER

LAYNO, CARL HERNANDZ

ART UNIT

PAPER NUMBER

3766

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No.

10/783.285

[illegible]

HATLESTAD, JOHN D.

Examiner

Carl H. Layno

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-42, 44-49 and 51-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-49 and 51-55 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 11, 13, 17 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 4-9, 12, 14-16, 18-21 and 27-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment, which was received by the Office on March 19, 2007.

2. Claim 22, 43, 50, and 56 are canceled. Claims 1-21, 23-42, 44-49, and 51-55 are active.

Claim Rejections - 35 USC § 102

3. Upon further reconsideration of applicant's amendments to the claims, the Examiner is withdrawing the 35 U.S.C 102(b) rejections based on the Zarintechi et al (US 6,442,434) and Prem et al (US 5,630,836) patents, which was made against claims 1-3, 10-12, 17, 23, 27, 28, 30, 36, 38, and 40-42 in the last Office action.

4. Applicant's arguments with respect to claims 1-3, 10-12, 17, 23, 27, 28, 30, 36, 38, and 40-42 have been considered but are moot in view of the new ground(s) of rejection.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 10, 11, 13, 17, and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann et al (US 4,082,097).

The Mann et al (US 4,082,097) patent describes an implantable tissue stimulator system (Fig.1) including an external transmission module **20** including a transmission coil **19** for inductively coupling to receiver coil **18** of an implantable tissue stimulator for the transmission of energy for powering the stimulator. The system of Mann et al may operate in a variety of modes. One mode of operation (Mode 1, col.11, lines 24-56) appears to read upon applicant's claimed function of automatically inducing energy into the implantable device if it is within range of the transmission module. Specifically, charging automatically occurs when the charging head **55** of the transmission module **20** is properly aligned with the receiver coil **18** (i.e. "within range") (col.11, lines 24-27). A charging current of 600ma is induced to power implantable device rechargeable battery **12**. A green light/LED (L_G) on the externally located transmission module **20** is lit to indicate this condition.

In regard to claims 10 and 11, the implanted device of Mann et al may be a pacer (col.2, lines 64-65).

In regard to claim 13, the implantable pacer of Mann et al would inherently have sensors since Mann et al suggests that the implanted pacer may be a demand-type (col.1, lines 32-33).

In regard to claim 17, the Examiner considers the inductive link to be "loosely coupled".

In regard to claims 24-26, applicant's attention is directed to rechargeable battery **12** (Fig.1).

Allowable Subject Matter

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7. Claims 4-9, 12, 14-16, 18-21, and 27-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 44-49 and 51-55 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

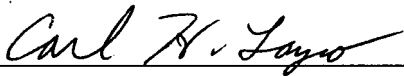
The Schroepel et al (US 5,749,909) patent describes a system including an external device 10 (Fig.1) for transcutaneously inducing power into an implantable pacing device 30. The Schroepel et al system includes an alignment indicator (i.e. proximity monitor) for determining if the external device is within optimum range to induce power into the implanted pacer. Unlike applicant's claimed system, that of Schroepel et al fails to specify whether or not power/energy is automatically initiated when the external device comes within range of the implanted pacer.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (571) 272-4949. The examiner can normally be reached on M-F from 9AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the a voice mail message may be left or an e-mail message sent to carl.layno@uspto.gov. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CARL LAYNO
PRIMARY EXAMINER

CHL
5/28/2007